

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1-13, 16, 19 and 31-35 have been canceled without prejudice or disclaimer, and claims 14, 17, 18, 20, 25, 26 and 29 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 14, 17-18, and 20-29 are under consideration. Reconsideration is respectfully requested.

EXAMINER'S TELEPHONE INTERVIEW:

On March 21, 2006, Examiner Jiping Lu and Applicant's attorney, Darleen J. Stockley, participated in a telephone interview and discussed how the present application could be put into form for allowance. Examiner Lu suggested that, if claims 1-13, 16, 19 and 31-35 were cancelled, claim 14 was amended to include the features of claims 16 and 19, and claims 17, 18, 20, 25 and 29 were amended to depend from amended claim 14, the application would be allowable.

Hence, applicants have cancelled claims 1-13, 16, 19 and 31-35, amended claim 14 to include the features of claims 16 and 19 (this was done in the Response and Request for Reconsideration filed on February 24, 2006, but is repeated herein since it appears that the amendments therein were not entered - Hence, claim 26 is also amended as in said Response), and have amended claims 17, 18, 20, 25 and 29 to depend from amended claim 14.

Applicants thank the Examiner for the careful review of the claims and the indication that claims 14, 17, 18 and 20-29 would be allowable if claims 1-13, 16, 19 and 31-35 were cancelled, claim 14 were amended to include the features of claims 16 and 19, and claims 17, 18, 20, 25 and 29 were amended to depend from amended claim 14.

Thus, it is respectfully submitted that certain of the claims have been amended and certain of the claims have been cancelled pursuant to the Examiner's suggestions, and that claims 14, 17, 18, and 20-29 are now in form for allowance.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) at least certain of the rejected claims have been canceled thereby at least reducing the issues for appeal;

(b) it is believed that the amendments of claims 14, 17, 18, 20, 25, 26 and 29 put this application into condition for allowance;

(c) the amendments were not earlier presented because the Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed;

(d) the amendments of claims 14, 17, 18, 20, 25, 26 and 29 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or

(e) the amendments place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, numbered paragraph 2, claim 9 was rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

Claim 9 has been cancelled without prejudice or disclaimer. Thus, the rejection of claim 9 under 35 U.S.C. §112, second paragraph is now moot.

REJECTION UNDER 35 U.S.C. §103:

A. In the Office Action, at pages 2-3, numbered paragraph 4, claims 8 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hachiman et al. (Japanese patent publication No. 2002-85898; hereafter, Hachiman) in view of Taylor et al. (USPN 6,312,507; hereafter, Taylor) or Sun et al. (USPN 6,447,731; hereafter, Sun) and Watanabe (JP02-087175; hereafter, Watanabe) or Hiromachi (JP 2002-282346; hereafter, Hiromachi). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 8 and 13 have been cancelled without prejudice or disclaimer. Thus, the rejection of claims 8 and 13 under 35 U.S.C. §103(a) over Hachiman et al. (Japanese patent

publication No. 2002-85898) in view of Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346) is now moot.

B. In the Office Action, at pages 3-4, numbered paragraph 5, claims 14 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dhaemers (USPN 5,546,678; hereafter, Dhaemers) in view of Taylor et al. (USPN 6,312,507; hereafter, Taylor) or Sun et al. (USPN 6,447,731; hereafter, Sun) and Watanabe (JP02-087175; hereafter, Watanabe) or Hiromachi (JP 2002-282346; hereafter, Hiromachi). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claim 16 has been cancelled without prejudice or disclaimer.

As suggested by the Examiner, claim 14 has been amended to recite the features of claims 16 and 19. Claims 16 and 19 have been cancelled without prejudice or disclaimer. Hence, amended claim 14 is submitted to be in allowable form, and claim 14 is submitted to be patentable under 35 U.S.C. §103(a) over Dhaemers (USPN 5,546,678) in view of Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346), as indicated by the Examiner on page 7 of the Office Action.

Claims 17 and 18 have been amended to depend from amended claim 14. Since claims 17 and 18 depend from amended claim 14, claims 17 and 18 are submitted to be patentable under 35 U.S.C. §103(a) over Dhaemers (USPN 5,546,678) in view of Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346) for at least the reasons that amended claim 14 is patentable under 35 U.S.C. §103(a) over Dhaemers (USPN 5,546,678) in view of Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346).

C. In the Office Action, at pages 4-5, numbered paragraph 6, claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dhaemers (USPN 5,546,678; hereafter, Dhaemers) in view of Taylor et al. (USPN 6,312,507; hereafter, Taylor) or Sun et al. (USPN 6,447,731; hereafter, Sun) and Watanabe (JP02-087175; hereafter, Watanabe) or Hiromachi (JP 2002-282346; hereafter, Hiromachi) as applied to claim 16 above, and further in view of Eisen (USPN 5,940,988; hereafter, Eisen) or Ou (USPN 5,555,640; hereafter, Ou). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As suggested by the Examiner, claim 14 has been amended to recite the features of claims 16 and 19. Claims 16 and 19 have been cancelled without prejudice or disclaimer. Hence, amended claim 14 is submitted to be in allowable form as set forth by the Examiner on

page 7 of the Office Action.

Claim 29 has been amended to depend from amended claim 14. Hence, amended claim 29 is submitted to be patentable under 35 U.S.C. §103(a) over Dhaemers (USPN 5,546,678) in view of Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346) as applied to claim 16 above, and further in view of Eisen (USPN 5,940,988) or Ou (USPN 5,555,640), for at least the reasons that amended claim 14 is patentable under 35 U.S.C. §103(a) over Dhaemers (USPN 5,546,678) in view of Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346) as applied to claim 16 above, and further in view of Eisen (USPN 5,940,988) or Ou (USPN 5,555,640).

D. In the Office Action, at pages 5-6, numbered paragraph 7, claims 8-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ou (USPN 5,755,040; hereafter Ou) in view of Taylor et al. (USPN 6,312,507; hereafter, Taylor) or Sun et al. (USPN 6,447,731; hereafter, Sun) and Watanabe (JP02-087175; hereafter, Watanabe) or Hiromachi (JP 2002-282346; hereafter, Hiromachi). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 8-12 have been cancelled without prejudice or disclaimer. Thus, the rejection of claims 8-12 under 35 U.S.C. §103(a) over Ou (USPN 5,755,040) in view of Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346) is now moot.

E. In the Office Action, at pages 6-7, numbered paragraph 8, claims 14, 16-18, and 25-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ou (USPN 5,755,040; hereafter Ou) in view of Dhaemers (USPN 5,546,678; hereafter, Dhaemers) and Taylor et al. (USPN 6,312,507; hereafter, Taylor) or Sun et al. (USPN 6,447,731; hereafter, Sun) and Watanabe (JP02-087175; hereafter, Watanabe) or Hiromachi (JP 2002-282346; hereafter, Hiromachi). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claim 16 has been cancelled without prejudice or disclaimer.

As suggested by the Examiner, claim 14 has been amended to recite the features of claims 16 and 19. Claims 16 and 19 have been cancelled without prejudice or disclaimer. Hence, amended claim 14 is submitted to be in allowable form, and claim 14 is submitted to be patentable under 35 U.S.C. §103(a) over Ou (USPN 5,755,040) in view of Dhaemers (USPN 5,546,678) and Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346).

Claims 17, 18, 25 and 29 have been amended to depend from amended claim 14. Since claims 17, 18, 25-29 depend, directly or indirectly, from amended claim 14, claims 17, 18, 25-29 are submitted to be patentable under 35 U.S.C. §103(a) over Ou (USPN 5,755,040) in view of Dhaemers (USPN 5,546,678) and Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346) for at least the reasons that amended claim 14 is patentable under 35 U.S.C. §103(a) over Ou (USPN 5,755,040) in view of Dhaemers (USPN 5,546,678) and Taylor et al. (USPN 6,312,507) or Sun et al. (USPN 6,447,731) and Watanabe (JP02-087175) or Hiromachi (JP 2002-282346).

ALLOWABLE SUBJECT MATTER:

Claims 19-24 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In accordance with the Examiner's suggestion in the telephone Interview, claim 19 has been cancelled without prejudice or disclaimer.

Claim 20 has been amended to depend from amended claim 14.

Since amended claim 14 is submitted to be in allowable form, as suggested by the Examiner, and claims 20-24 depend therefrom, claims 20-24 are submitted to be allowable for at least the reasons that amended claim 14 is allowable.

Applicants thank the Examiner for his careful review of the claims.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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